

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, DECEMBER 08, 2020 (WEBEX)

I. CALL TO ORDER

Mayor Ladwig called the Webex virtual meeting to order at 6:00pm. Council members in attendance: Ladwig, Clompus, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner, Trevor Parker, City Attorney Russ Gans, City Engineer Steve Allen, Grant Administrator Becky Price-Hall. Approximately 36 attendees were present online at the beginning of the meeting.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION – No closed session.

IV. APPROVAL OF THE AGENDA

Motion (West/Grover) to approve the agenda as written. Passed unanimously.

V. APPROVAL OF MINUTES

Motion (West/Grover) to approve the 10-13-2020 cc minutes as written. Passed unanimously.

VI. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

Grover: RCEA met and discussed energy independence projects.

Clompus: Written report submitted and included in the packet. Concerned that the deliverable listed on the contract with Pacific Watershed Associates for Luffenholtz Creek monitoring wasn't being met, specifically the auto delivery of flow-rate monitoring.

Davies: No report.

Ladwig: HTA is struggling with reduced ridership due to Covid-19, but also pursuing a hydrogen fuel bus.

West: HCAOG discussed the accelerated housing program, and 101 Safety Corridor.

VII. STAFF REPORTS – City Manager & Law Enforcement

City Manager Eli Naffah noted the highlights listed in the packet report and provided an update on Covid-19 containment, County Health, etc.

Clompus inquired as to 1) why the minutes were not available, and 2) why has the overnight parking issue not been addressed yet.

Grover complimented the HCSO on a visible increase in coverage.

Davies requested an update on no overnight parking signage, and noted his disappointment that the Urgency Ordinance Moratorium on Short-Term Rentals was not included on this agenda.

Ladwig noted that the signage issue was to be carefully considered, not piecemealed, in order to avoid causing unintended problems elsewhere.

VIII. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Anita Thompson – Trinidad

Concerned with Covid-19 transmission rate increase, and urged the Council to adopt an Urgency Ordinance Moratorium on STR's as soon as possible.

Dwight Miller – Trinidad

Suggested the Council adopt the Urgency Ordinance Moratorium on STR's immediately, excluding essential workers and requiring credentials to be on file. Concerned with alleged illegal STR on Van Wycke.

IX. CONSENT AGENDA

1. Staff Activity Report – November 2020

2. Financial Statements – October 2020
3. Law Enforcement Report – November 2020

*Motion (West/Grover) to approve the consent agenda as submitted. **Passed unanimously.***

X. DISCUSSION/ACTION AGENDA ITEMS

1. Public Safety Update from Humboldt County Sheriff Department.

HCSO Lt. Kevin Miller reviewed the statistics included in the meeting packet, and noted that Trinidad will be getting a new full-time Deputy in January, along with a second, half-time Deputy effective immediately. Along with the new Deputy, Trinidad will receive extra patrols from Northern Humboldt Deputies.

Council questions included:

Clompus: I don't understand all the abbreviations on the statistic sheets. Since we use data to drive policy decisions, it's difficult to make comparisons using this report. Can the Sheriff go back and make comparisons and determine where and when coverage is needed? Lt. Miller offered to share his contact information and discuss the topic in greater detail.

There was no public comment.

Presentation item only.

2. Continued Discussion/Decision regarding Revised Government to Government Consultation Policy (Native American Tribes) and Consider Approval.

City Attorney Russ Gans explained that following the last City Council Meeting, staff collected all of the comments received and sought to update the draft Government to Government Policy and include those comments in the Policy, except where there were reservations. Multiple requests and public comments were received on this item, and written changes/amendment proposals to the Policy were received from the Yurok Tribe, the Trinidad Rancheria, Bryce Kenny and Richard Harris. The majority of comments received have been incorporated in the revised policy enclosed in the packet, with the following substantive exceptions:

1. Requests by the Trinidad Rancheria and Yurok Tribe to create additional document creation and notice requirements, and impose those requirements on City Staff (See Yurok Tribe Dec. 3, 2020 letter and Trinidad Rancheria November 24, 2020, redline to policy draft); and
2. Requests by the Trinidad Rancheria to include a consultation requirement and procedures for conducting future meetings with the Tsuuri Ancestral Society related to the Tsuuri Management Area.

As to Item (1), the City Attorney recommends against creating additional procedural requirements not otherwise imposed by law. As to Item (2), the City Attorney advises that this issue is subject to pending litigation, and any further action on this specific subject should await the results of the litigation. The Council is requested to review and consider adoption of the revised Policy. As this item has received much public comment, the Council, in its discretion, can call for further discussion and/or provide additional direction to Staff rather than proceed with adoption.

Council questions included:

Clompus: I hope the result of this is that the Rancheria and Yurok Tribes are treated equally. City Attorney Gans confirmed that no favoritism or orientation towards one Tribe or another exists in this policy.

Public comment included:

Joseph James – Yurok Tribal Chairman

Thanked the Council for taking steps in the right direction, and requested they not approve the draft policy before holding Government to Government discussions. Any decision regarding the Tsuuri Ancestral Society should be held at the Management Team level. The Yurok Tribe requests more time for formal review and comment on the draft policy.

Bryce Kenny – Trinidad

Suggested a few minor edits that will be forwarded to the City Attorney.

Sherri Provolt – Yurok Tribal Councilmember

Yurok Tribe thanks the Council for recognizing our letter, and taking extra time to make sure its right is very important. The policy should be very general, and not call out any specific Tribe or Government.

Richard Harris – Bay Area

It is not ok to discuss this topic in confidential Government to Government meetings with the Yurok Tribe.

Council comments included:

Grover:

Davies: I'm comfortable with the document, with the exception of the first sentence, second paragraph, section

3. Discussion/Decision regarding Revised Edwards Street Bicycle and Pedestrian Connectivity Project Design (formerly known as the Van Wycke Connectivity Project).

City Engineer Steve Allen explained that the Edwards Street Bicycle and Pedestrian Connectivity Project formerly known as the Van Wycke Bicycle and Pedestrian Connectivity Project is funded by a \$714,000 Caltrans Active Transportation Program (ATP) grant. The purpose of the ATP project is to encourage increased use of active modes of transportation (bicycles and pedestrians). Project goals:

- Create a safer, more pedestrian friendly route between Trinity/Edwards Street intersection and the Trinidad Harbor/Beach area.
- Encourage community members to use active modes of transportation and educate them about bicycle and pedestrian safety.

On September 8, the City Council authorized staff to request a formal scope change from Caltrans and to proceed with design and right of way tasks. Staff is preparing to finalize the plans for submittal to Caltrans by December 31, 2020. This meeting is an opportunity for Council to review the current design, hear public input about the project, and give direction to staff regarding any suggested changes to the current design including the vista points at the existing Edwards Street bench or lower Van Wycke Street bench locations.

Changes made to the design based on stakeholder input and the development of the design since the last Council meeting update includes:

- 1) Edwards Street – shifted street to the north approximately two feet within City right-of-way to minimize impacts to property owners' driveways and yards on the south side of Edwards. This maintains all existing parking on Edwards, minimized impacts to several short driveways to maintain parking, minimized impacts to landscaping, and limits the widening beyond the current curbs in most areas to approximately two feet on both sides of the road. The new sidewalk will extend beyond the existing curb up to approximately four and a half feet where it ties into the existing sidewalk on Edwards Street near the Galindo Street intersection.
- 2) Vista Points – includes adding gravel surfacing from adjacent road to two existing benches, one on Edwards near Hector Street intersection, and one on Van Wycke Street nearer to Galindo Street Intersection. The two existing benches will remain. Note the Van Wycke bench is located on City property right up to the property line not allowing for gravel to be placed in front of the bench which raises the question, should the existing bench be moved back away from the property line towards Van Wycke Street approximately three feet so that the gravel surfacing could be placed in front of the bench?
- 3) Removal of the interpretive signage as part of this grant in order for that topic to be further discussed and planned outside of this grant so it is not rushed.
- 4) Removal of the structural support of the temporary utilities on the Van Wycke trail as part of this grant due to location of the now repaired water line and storm drain utilities and the property lines in that area would not allow for structural improvements only on City property.
- 5) Split rail fencing – includes a lower single horizontal rail split rail fence along Edwards Street from Ocean to Van Wycke Street. Post heights would be three feet above ground and horizontal rail approximately two feet above ground.

Public comment included:

Tim Needham – Trinidad

(Submitted written comments). I'm concerned as I have a steep driveway on Edwards Street that will be impacted by the potential sidewalk. GHD has taken a highway design and planted it on Edwards Street, and no

one rides bicycles on Edwards Street ☺. The Association of Transportation website encourages smaller lanes. Edwards Street doesn't need a bike lane.

City Engineer Steve Allen explained that the study referenced is intended for urban settings. The desire from staff and Caltrans is to maintain full lane width and a safe environment. If a downhill bike lane is established, then there must be route back uphill. The project proposes minimal encroachments of 2 ft. or less into the existing public right of way.

Sherri Provolt – Yurok Tribal Councilmember

The Tribe supports the project revisions, including proposed split rail fence to be built as close to the road as possible.

Council comments included:

Grover: Have we considered speed humps for Edwards?

Davies: No bicyclist can come to a stop on Galindo and continue up Edwards without getting off the bike. That is not the preferred route. This project does not fit this community. It's a runaway train. I am against this project entirely. The previous project received 10 pages of comments from the Coastal Commission. When will they see the proposed revisions? Will this require a LCP amendment? Should it be reviewed by the Planning Commission first? A comprehensive traffic study should be completed before we consider a project like this.

City Engineer Allen explained that the current proposal addresses many of the Commission's concerns. City Planner Trevor Parker noted that street improvements do not require a coastal development permit.

Clompus: Is the re-route of the water utility included in the project scope?

City Engineer Allen explained that relocating the water line was not proposed for this project. The Van Wycke main was stabilized by the temporary repair that occurred in November. This is a transportation-focused grant directed by the Council to improve the Van Wycke trail. The project shifted away from Van Wycke due to complicated, cultural issues brought forward by the Tsurai. It was never intended to improve utilities on Edwards.

West: I support safety improvements and the split-rail fence, but I'm concerned with residents losing property.

City Engineer Allen reminded the Council that this isn't GHD's project. It is the creation of many years of direction from previous City Council's. If the City abandons this project, it may impact future funding opportunities with Caltrans.

Additional public comments included:

Kim Tays – Arcata

How is it possible that a CDP is not required for this project? I share Davies concern that a traffic study should be required. This project will make Trinidad look like an urbanized town.

J.L. Todd – Trinidad

My wife and I bought the home at 829 Edwards in October, and have not seen a cyclist on Edwards. We are concerned with the City speaking casually about utilizing public right-of-way for this project. It is offensive to encroach upon private property. This seems like an aggressive project. We support a sidewalk that doesn't encroach further into the right-of-way.

Don Allan – Westhaven

I sympathize with landowners on Edwards. People DO cycle on Edwards. Private property owners interest do not supersede safe public access when it comes to public entities developing the the right-of-way.

Dick Bruce - Trinidad

Not in favor of the project without consideration of a utility bridge across Van Wycke. I've never seen bikes on Edwards. People will cross over a split rail fence. Why consider this grant when the safest option is repairing the Van Wycke trail?

Dorothy Cox – Trinidad

I walk Edwards Street every day and never see bicyclists. The white fog line is a great visual divider between the bike/pedestrian lane, and the vehicle lane. I'm not in favor of this project. It is not needed.

Nicki Todd – Trinidad

I moved here a month ago. It seems like you're making decisions hastily without data. Another meeting should be held.

Motion (Davies/Clompus) to abandon the Edwards Street Connectivity Project. Passed 4-Yes (Grover, Ladwig, Davies, Clompus), 1- No (West).

4. Discussion/Decision regarding Draft Drought Contingency Plan

City Planner Trevor Parker explained that because Trinidad's water source is a small creek with no reservoir, the City essentially has no long-term storage. Therefore, the situation is different from most larger water systems that obtain water from a reservoir or groundwater storage. It means that water conservation early in the dry season, when flows on Luffenholtz Creek are normal, does not preserve water for future use when creek flows get low. There is a tipping point where the City could go from pumping at normal capacity, to a very steep drop-off in pumping capacity once the creek reaches a critically low flow level that impacts the City's intake system.

Essentially, the amount of water the City can supply is a function of how much water it pumps each day. (See the Water Treatment Plant Production Memo dated May 1, 2019 by GHD for additional information.) Once flows in the creek drop to a certain level, the pump outpaces the rate at which the wet well infiltration gallery refills. Once the wet well drops to a certain level, the pump has to be turned off to allow it to refill again, limiting the amount of water that can be pumped into the treatment system each day. We do not know exactly what flow level starts to impact the wet well infiltration gallery, or what the relationship between flow and the amount of water that can be extracted is once it reaches that level. But it appears the City could go from full capacity to limited capacity pretty quickly.

Current Draft – Issues and Questions

The Planning Commission voted unanimously (4-0) to recommend the Draft WSCP to the City Council for review at their November 18 meeting. The Planning Commission has been working on this document since May. The current draft borrows much from other plans, particularly from the City of Santa Cruz. In addition to other examples, we also used a primer on WSCP's from the CA Urban Water Conservation Council. It should be noted that this plan will need to be implemented through an ordinance in order to be fully enforceable. The City currently has a water rationing ordinance (Chapter 13.08), which was used to form the Water Committee and make the drought declaration this year, but it will need to be updated to incorporate certain requirements of the WSCP including fines and enforcement. In addition, prior to implementation and adoption, this plan, or portions of it, should be reviewed by the City Attorney to ensure that it is in compliance with CA water law.

Keep in mind that there are certain aspects of the WSCP that likely still need to be refined, and it should be viewed as a living document that may be adapted to different situations and that will likely evolve based on experience using it. For example, some of the criteria for declaring stages should be better refined, such as the rainfall totals for Stage 1, and the reduced pumping capacity at Stage 3 and 4. In addition, the document is intended to provide guidance, but also flexibility for the Water Shortage Response Team (WSRT) to recommend and implement actions on a case-by-case basis, particularly, because conditions can change rapidly.

Council comments included:

Ladwig: Commended Staff and the Planning Commission for how detailed the plan is and how each stage is structured.

Clompus: As part of the water committee, I've watched this plan develop. The plan doesn't create more water, it communicates to users that we need to constrain and conserve. This is very direct with measures that must be taken when the supply is low. Please note, the City currently charges the same rate to commercial and residential customers.

Grover: Nice work. Look forward to hearing public comment.

Davies: Could you explain what the exceptions are?

Parker explained that when rationing starts, residential users are held to 150 gallons per day. Findings would have to be made to allow exceptions to that amount. The water shortage response team will handle exceptions, and appeals would come to the full Council.

Grover: Bring back the revisions in January before approval.

Public comment included:

Anita Thompson – Trinidad

In the event of another drought emergency, are we looking at other water sources? Humboldt Bay Municipal Water connection? Would we run out of fire during a large-scale emergency?

No decision was made. The policy will continue to be refined and brought back to the Council at a future meeting.

5. Discussion/Acceptance of Resolution 2020-21; Certification of 2020 General Election Results

City Clerk Adams explained that the City received certified election results from the County, and a formal Resolution accepting those results must be adopted by the Council.

There was no public or Council comments.

*Motion (Grover/Davies) to adopt Resolution 2020-21; Certification of 2020 General Election Results. **Passed unanimously.***

6. Discussion/Update regarding January Council Meeting Schedule.

City Manager Naffah explained that he would be absent for the January 12 regular meeting, so he proposes cancelling that meeting and holding it on January 26.

There was no public comment.

By consensus the Council agreed to cancel the meeting on the 12th, and hold the next regular meeting on January 26.

7. Discussion/Update regarding Current Vacancies on the Planning Commission, Trails Committee, and Short-Term Rental Committee.

City Clerk Adams explained that December marks the end of several terms on the Planning Commission, and there currently vacancies on the Trails and STR Committees. The packet includes vacancy notices that will be published in December with the goal of returning on January 26th with possible candidates for the positions.

There was no public comment.

Vacancy notices will be published and letters of interest received will be included in the Council meeting agenda for January 26 for consideration.

FUTURE AGENDA ITEMS

- Vacancies
- Mayor Selection
- Closed Session (Tsurai/Rancheria)
- WSCP Updated Review
- HBMWD Connection Feasibility
- CM Evaluation (closed session)

ADJOURNMENT: 10:00pm.

Submitted by:

_____ signed copy on file _____

Gabriel Adams

Trinidad City Clerk

Approved by:

_____ signed copy on file _____

Steve Ladwig

Mayor